

**IN THE DRAWINGS**

Applicant hereby submits formal drawings. Attached are eight (8) Replacement Sheets of drawings.

**BEST AVAILABLE COPY**

990384CIP

## REMARKS

Claims 1-32 are pending in the present application. In this amendment, Applicant amends claims 1, 14, and 20 and cancels claim 13.

Applicant respectfully responds to this Office Action.

### *Claim Objections*

Claim 7 is objected to as being a substantial duplicate of claim 6. Claims 6 and 7, however, are not substantial duplicates nor are they so close in content that they cover the same thing. Please note that claim 6 uses the term "consists" while claim 7 uses the term "comprise." According to MPEP §2111.03, "the transitional phrase 'consisting of' excludes any element, step, or ingredient not specified in the claim" while "the transitional term 'comprising', which is synonymous with 'including,' 'containing,' or 'characterized by,' is inclusive or open-ended and does not exclude additional, unrecited elements or method steps."

Claim 10 is objected to as being a substantial duplicate of claim 13. Applicant cancels claim 13.

Claim 21 is objected to because it is inconsistent with the claim set including claim 1. Applicant points out that claims 1 and 21 are from separate claim sets and do not in any way depend on each other. The claim set corresponding to claim 1 is for a "method of receiving" and the claim set corresponding to claim 21 is for a "method of sending."

### *Claim Rejections – 35 USC § 112*

Claims 21-24 are rejected under 35 U.S.C. 112. Claim 21 is rejected as vague and indefinite because it is not seen "where is the third value of the predetermined set of three" according to the Examiner. Claims 22 -24 are rejected in view of their dependencies on claim 21.

Applicant notes that "the size of said predetermined set is three" means that "said predetermined set" has three members as is the common meaning of the size of a set. This usage is not to indicate a third value of a set but rather to specify the number of members of the set.

990384CIP

*Claim Rejections – 35 USC § 102*

Claims 14, 26-29, and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Rezaifar (6,314,101).

Applicant's claims are novel and patentable over Rezaifar. For example, claim 14 includes the feature "extracting one sequence number bit size from said NAK; said one sequence number bit size belonging to a predetermined set of sequence number bit sizes." Rezaifar, on the other hand, states "when the frame is actually transmitted, the eight-bit SEQ number of the frame is set to the eight least significant bits of index L\_V(S)." Please see Rezaifar column 7, lines 12-14. Also "the indexes L\_(S), L\_(N), and L\_(R) are twelve-bit numbers." Please see Rezaifar column 7, lines 9-10. Therefore, while there are two sizes of sequence numbers, only one size is transmitted in a frame. This is in contrast to Applicant's claims which have the feature "one sequence number bit size belonging to a predetermined set of sequence number bit sizes." Applicant's claim 14 is therefore novel and patentable over Rezaifar.

Applicant's claim 26 includes the feature "choosing an acknowledgment frame type from a plurality of radio link protocol (RLP) frame types." This claim and all of its dependent claims are novel and patentable over Rezaifar. Rezaifar in col. 6, lines 46-50 does not disclose "choosing an acknowledgment frame type" as in Applicant's claim. Rather, the portions cited by the Examiner discuss generation of a NAK message, not the selection of "an acknowledgement frame type from a plurality of radio link protocol (RLP) frame types." Applicant's claim 26 and dependent claims are therefore novel and patentable over Rezaifar.

Claims 20-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Drynan (4,617,657). Applicant's claims 20-24 as amended include the feature "wherein the sequence number corresponds to one of the information bytes." Drynan, on the other hand, discloses sequence numbers corresponding to packets, not corresponding to the information bytes that are the payload of the frames or packets. Please see Drynan, abstract. Note also that the information bytes do not correspond directly to frames or packets and therefore sequence numbers for information bytes do not correspond directly to sequence numbers for frames or packets. Please see, for example, Applicants' specification as originally filed, page 6, line 34 through page 7, line 15 for support of claim amendments as well an explanation of byte sequence numbers. Applicant's claims 20-24 are novel and patentable over Drynan.

990384CIP

*Claim Rejections – 35 USC § 103*

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seo (6,581,176) in view of Drynan (4,617,657).

Applicant amends claim 1 similarly to the amendments discussed above under the §102 rejections. As discussed above, Drynan does not recite the feature in Applicant's claim 1 "wherein each of the sequence number values corresponds to one of the information bytes." Neither does Seo in combination with Drynan disclose this feature. Applicant's claim 1 and all its dependent claims are therefore patentable over Seo and Drynan.

Claims 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rezaifar (6,314, 101) in view of Drynan (4,617,657).

Applicant's claims 15-19 are also patentable over Rezaifar combined with Drynan because they depend on claim 14. As discussed above under the §102 rejections, Rezaifar combined with Drynan do not have all the features of claim 14 and its dependent claims. Claims 15-19 are therefore patentable over Rezaifar and Drynan.

Drawings

Applicant submits that the above amendments to the drawings do not make any substantive changes or introduce any new material but are simply the correction of typographical errors, which are consistent with the specification as originally submitted. Therefore, approval and entry of the above amendments are respectfully requested.

990384CIP

### CONCLUSION

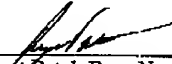
In light of the amendments contained herein, Applicant submits that all claims are in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: March 7, 2005

By: \_\_\_\_\_

  
Rupit Patel, Reg. No. 53,441  
(858) 651-7435

QUALCOMM Incorporated  
5775 Morehouse Drive  
San Diego, California 92121  
Telephone: (858) 658-5787  
Facsimile: (858) 658-2502

990384CIP

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

**BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☒ BLACK BORDERS
- ☐ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES
- ☐ FADED TEXT OR DRAWING
- ☒ BLURRED OR ILLEGIBLE TEXT OR DRAWING
- ☐ SKEWED/SLANTED IMAGES
- ☐ COLOR OR BLACK AND WHITE PHOTOGRAPHS
- ☐ GRAY SCALE DOCUMENTS
- ☒ LINES OR MARKS ON ORIGINAL DOCUMENT
- ☐ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY
- ☐ OTHER: \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**